

Docket No.:11590/9-1268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Applicant: Leonard E. Marchese Conf. No. 1815

Serial No.: 09/613,980 Group Art Unit: 2151

Filed : July 11, 2000 Examiner: Khanh Q Dinh

For : ELECTRONIC SPACE AND METHOD FOR
FACILITATING PROBLEM SOLVING

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed on September 14, 2007, the applicant encloses a replacement paper supplying the Summary of the Claimed Subject Matter. Per MPEP 1205.03(B), an entire new brief is not needed, there being no other stated objections in the notice of non-compliance.

The applicant hereby objects to the notice of non-compliance as being improper and untimely. While the refused brief was submitted on January 26, 2006, this was a reinstatement of the appeal, and there was no indication that the original appeal brief submitted on May 4, 2005, having a virtually identical Summary of the Claimed Invention, was non-compliant. Even without the prior review, it should not have taken nearly two years to look at the brief and decide that the brief was non-compliant.

The Summary provided was certainly adequate and should have been accepted, as it did describe the critical elements of the independent claims, with reference to the specification. Alternatively, from the delay alone, it should be considered that any objections as to form were waived.

This case has been before the Patent Office for over 7 years. It is over two years since the first brief was filed. It is requested that this application receive expedited consideration, and that further delays be avoided.

The required fee for filing the Appeal Brief was paid with submission of the first Appeal Brief on May 4, 2005. No fee is believed to be due at this time, however, should any fee be due, the Commissioner is authorized to charge any deficiency or credit any excess to Deposit Account No. 04-0838.

Dated: September 28, 2007

Respectfully submitted,

_____/WJS/_____
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